

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OTIS SIMMONS, JR.,

Defendant.

8:06CR287

ORDER

Defendant Otis Simmons, Jr. appeared before the court on June 14, 2017 on a Petition for Offender Under Supervision [96]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams, and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, the defendant waived his right to a probable cause hearing on the Petition for Offender Under Supervision [96] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. A detention hearing was held on June 14, 2017. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on July 27, 2017 at 11:00 a.m. Defendant must be present in person.

2 The defendant, Otis Simmons, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 15th day of June, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge